



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TFU

Applicant: Uwe Marx et al.

Serial No: 10/622,502

Filing Date: July 18, 2003

Title: Method and device for cultivating at high densities and for obtaining
of products from these cells

Examiner: Vera Afremova

Art Unit: 1651

November 25, 2005

Attorney's docket No.: Weh212T3

TRANSMITTAL LETTER

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

Transmitted herewith for filing is:

<X> Response to Restriction Requirement.

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

(X) The Commissioner is hereby authorized to charge any fees under 35 U.S.C. 1.16, and 1.17, after a mailing of a Notice of Allowance under 35 USC 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

() Please charge my Deposit Account No.11-0224 in the amount of \$ _____. A duplicate copy of this sheet is enclosed. A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).

Horst Kasper
Horst Kasper, 13 Forest Drive, Warren, N.J.07059
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Mail Certification: I hereby certify that the correspondence attached hereto is being deposited with the USPS on the date indicated below and is addressed to the Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia.

Deposit Date: **NOV 25 2005**

Signature: *Horst Kasper*

Date: **NOV 25 2005**

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RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

SIR:

This is in response to a Restriction Requirement, mailed on October 25, 2005 and setting a statutory period for response of one month, said period expiring on November 25, 2005.

The Office Action states that Restriction to one of the following inventions is required:

- I. Claims 1 to 10
- II. Claims 11-18 and 23
- III. Claims 19 – 22

Applicants respectfully traverse the requirement.

Applicants select the claims 1 to 10 of group I. to be examined at this time.

The Office Action continues that the inventions are distinct, each from the other.

Applicants respectfully submit that all claims as classified in the Office Action fall into class 435 and therefore should be examined together.

It is noted in particular that claims 1 to 10 are classified as a method for cultivation cells at high densities and that claims 19 to 22 are classified as a method for generating products by culturing cells at high densities in an apparatus for cultivation cells at high densities.

Applicants urge that claim 1 also recites the “obtaining of products”.

Therefore, the allegation in the Office Action that claims 19 to 22 are distinguished from claims 1 to 10 by “generating products” is clearly not a feature distinguishing claims 19 to 22.

Claim 1 requires entering of the cells of high density into a cultivation chamber.


Therefore, the allegation in the Office Action that claims 19 to 22 are distinguished from claims 1 to 10 by "in an apparatus for cultivation cells at high densities" is clearly not a feature distinguishing claims 19 to 22, since the cultivation chamber of claims 1 to 10 is certainly an apparatus for cultivation.

The Office Action further alleges that the inventions have acquired a separate status in the art as shown by their classification. Applicants urge that all claims belong to class 435 according to the Office Action.

Applicants comply with the above-stated restriction requirement by selecting claims 1 to 10 in group I to be examined.

Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,
Uwe Marx et al.

By: 

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Reg. No. 28,559; Docket No.: WEH212

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